

## **MINUTES**

**CITY OF IMPERIAL BEACH  
CITY COUNCIL  
PLANNING COMMISSION  
PUBLIC FINANCING AUTHORITY  
HOUSING AUTHORITY  
IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY**

**AUGUST 2, 2017**

**Council Chambers  
825 Imperial Beach Boulevard  
Imperial Beach, CA 91932**

**Teleconference Location:  
Residence Inn Washington Capitol Hill/Navy Yard  
Lobby – Fireplace Sitting Area  
1233 First Street S.E.  
Washington, DC 20003**

**REGULAR MEETING & CLOSED SESSION – 6:00 P.M.**

### **REGULAR MEETING CALL TO ORDER**

Mayor Dedina called the Regular Meeting to order at 6:00 p.m.

### **ROLL CALL**

Councilmembers present: Patton, Spriggs  
Councilmembers absent: West  
Mayor Pro Tem Present: Bragg  
Mayor Present: Dedina  
Staff Present: City Manager Hall, Deputy City Attorney Sjoblom, Assistant  
City Manager Dush, Public Works Director Minicilli, Public  
Safety Director French, City Planner Foltz, Deputy City Clerk  
Carballo

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Captain Dave and the Pirate Crew.

### **AGENDA CHANGES**

Mayor Dedina announced the teleconference was not being held.

### **MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/REPORTS ON ASSIGNMENTS AND COMMITTEES**

Councilmember Spriggs reported the League of California Cities Coastal Cities Issues Group has an opportunity to meet with California Coastal Commissions Executive Director Jack Ainsworth on the 14<sup>th</sup> of August and he will attend that meeting. He also announced the next International Boundary and Water Commission meeting will be September 7, 2017.

Councilmember Patton reported on the lifeguard competition at Silver Strand where IB lifeguards came in second and Mayor Dedina came in 2<sup>nd</sup> in the long distance swim. He commented on his attendance at the Kiwanis “Stuff the Bus” event, the Grand Opening of Baskin-Robbins, Surfdog competition, and announced the Kiwanis Fishing Derby on August 5.

Mayor ProTem Bragg reported on her attendance at the ribbon cutting ceremony for Baskin-Robbins and the Sept 20 MTS meeting. She brought an agenda packet which contained the Transportation Optimization Plan which will be available in the City Clerk’s office for public review. There were no proposed changes to the 933 or the 934 routes which serve IB. She suggested to MTS that during portions of the day the 901 could be an express. She reported on her attendance at the SANDAG Transportation Committee meeting stating there have been some changes in the requirements for grants.

Mayor Dedina reported on his attendance at the State Lifeguard Championships, thanked Councilmember Patton and City staff for their participation. He reported on the Surfdog competition and Relay for Life. He stated one of the participants, who is battling breast cancer presently, shared a story saying she and her husband got through it by taking walks on the Pier. He reiterated the importance of having clean beaches and summarized the reason and purpose for the Press Conference. He noted City Council will continue to aggressively pursue this issue and read a statement he had posted on his Facebook page. He reported on issues regarding AB 805 stating that at the last SANDAG meeting there was a motion by the SANDAG Executive Committee to have another ballot measure to decide reforms of SANDAG, he stated the reason IB has abstained on this issue is because this issue is very divisive and IB was dealing with more priority issues at the time. However he has made it very clear that IB has been left out of projects and that is not fair. There is an Active Transportation Grant funding source that the City will be able to reapply for.

Mayor ProTem Bragg reiterated the Mayor's comments regarding AB 805 stating it has been a very divisive issue both at SANDAG and at MTS. Imperial Beach and other small cities feel left out. She suggested Council have a broader discussion on the issue in the future.

### **COMMUNICATIONS FROM CITY STAFF**

City Manager Hall reported on the Chili Cookoff and introduced June Engel who provided the final results: there were only 30 points separating the bottom number and the top number. 1<sup>st</sup> place went to Councilmember Bobby Patton, 2<sup>nd</sup> Place went to Captain Stabenow, 3<sup>rd</sup> Place went to IB Fire Department represented by Paul Favor, 4<sup>th</sup> Place went to Sergeant Laura Spang of the San Diego Sheriff's Department.

### **PUBLIC COMMENT**

Clinton Anderson voiced his concerns regarding short term rentals, specifically at 352 Bonito. There has been disruption to the neighborhood due to parties, poker games, and traffic coming to and from that address. He feels the Code Compliance department has not taken adequate measures and is requesting City Council look into the matter.

Mayor Dedina asked City Staff to follow up on that issue.

Valerie Acevez introduced herself as the new President of the Imperial Beach Chamber of Commerce and announced several upcoming events in the city including the ribbon cutting at the new Chipotle.

Dante Pamintuan thanked Council for all they do for IB. He read a statement he had posted on Facebook after attending the Press Conference voicing his disagreement with Council's decision to sue the Federal Government and the reasons why. The written statement is on file in the City Clerk's office.

Marcia Bachman stated more trash cans and doggie waste bags are needed on Seacoast Drive as people are not picking up after their dogs.

City Manager Hall stated Council has given direction to identify more places to install stations including along south Seacoast Drive.

Josie Hamada thanked Councilmember Bragg and MTS for the new bus stop shelters and benches she stated the residents are very happy to have those structures. She is concerned that at the island at 9<sup>th</sup> and Palm a lot of the rocks are moving into the street that could cause accidents.

City Manager Hall stated the turn lanes are being extended in that area and staff will look into the matter.

## **PRESENTATIONS (1.1)**

### **1.1\* PRESENTATION OF CERTIFICATES OF APPRECIATION FOR SUN & SEA FESTIVAL COMMUNITY PARTICIPATION. (0410-30)**

Mayor ProTem Bragg presented certificates of appreciation to Captain Dave and his Pirate Crew for their efforts on the Imperial Beach Sun and Sea Festival parade float, with honorable mention to the Sullivan family.

## **CONSENT CALENDAR (2.1-2.2)**

**MOTION BY BRAGG, SECOND BY SPRIGGS, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THROUGH 2.2. MOTION CARRIED BY THE FOLLOWING VOTE:**

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>	<b>SPRIGGS, PATTON, BRAGG, DEDINA</b>
<b>NOES:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>	<b>WEST</b>

### **2.1 MINUTES.**

City Council approved the Regular Meeting Minutes of June 21, 2017.

### **2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)**

City Council ratified the warrant register.

## **ORDINANCES/INTRODUCTION & FIRST READING (3.1)**

### **3.1 ADOPTION OF RESOLUTION 2017-7840 ELECTING TO BECOME SUBJECT TO THE STATE OF CALIFORNIA'S UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT PROCEDURES AND INTRODUCTION OF ORDINANCE NO. 2017-1164 AMENDING THE IMPERIAL BEACH MUNICIPAL CODE FOR THE PURPOSE OF ADOPTING THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT.**

Public Works Director Minicilli shared a PowerPoint presentation on the item giving the history of the bidding process and stating the Act allows cities to perform work up to \$45,000 in house. The second part of the Act applies to the Alternative Bidding Process and projects below \$175,000. The City establishes a list of qualified contractors and works with them to expedite the process. If the City deems the formal process is in the City's best interest the City can use the formal process at any time. Schedules would be reduced 5-7 weeks, staff time is and contractor costs are reduced and the City can also act as its own general contractor.

Councilmember Patton sometimes someone who the City has worked with before misses the bid by a few dollars. It makes sense for the City to have a list of people known to do a good job and to expedite the process.

Mayor ProTem Bragg stated this is a no brainer, to do these projects in house with cost savings and saving time. She stated she fully supported the item.

Councilmember Spriggs stated there should be a balance between interest, informality and integrity of the process. Too close relationships can result in shoddy work or money disappearing.

In response to Councilmember Sprigg's question, Public Works Director Minicilli stated this process is subject to audits and is guided by what's best for the City. If there is a \$40,000 or \$60,000 project and the formal bidding process is the best option, then that's what will be used.

Mayor Dedina stated this can help us save time and money while getting quality projects. The cities of Carlsbad, Coronado, Del Mar, Vista and La Mesa have also opted into these procedures. He expressed his full support.

Public Works Director Minicilli stated after doing some research it looks like Imperial Beach had opted into this back in 1989 but never adopted the ordinance into the Municipal Code.

In response to Mayor Dedina's question, Deputy City Attorney Sjoblom stated the City is accountable to the State of California and the City is still required to choose the lowest responsible

bidder of the ones contacted. He stated the threshold is projects over \$175,000. Projects under \$175,000, still have to be approved within the budget and then staff can move forward with this process. However if Council desires they can give direction to review the contract and go through the full bidding process.

In response to Mayor Dedina's question, Public Works Director Minicilli stated that with 15 years of experience working in the County of San Diego, the he knows who the good contractors are.

City Manager hall stated very copious notes have been taken on the performance of contractors on City projects and the City knows which ones have issues. He also stated that sometimes what hurts cities the most is the lowest responsible bidder. They might have the lowest bid but sometime the quality of the work is poor.

**MOTION BY PATTON, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2017-7840 AUTHORIZING THE CITY TO BECOME SUBJECT TO THE STATE OF CALIFORNIA'S UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT PROCEDURES. MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: SPRIGGS, PATTON, BRAGG, DEDINA**  
**NOES: COUNCILMEMBERS: NONE**  
**ABSENT: COUNCILMEMBERS: WEST**

Deputy City Clerk Carballo read the title of Ordinance 2017-1164:

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ADDING CHAPTER 3.06 TO THE MUNICIPAL CODE OF THE CITY OF IMPERIAL BEACH TO PROVIDE INFORMAL BIDDING PROCEDURES UNDER THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNT ACT (SECTION 22000 ET SEQ. OF THE PUBLIC CONTRACT CODE)."

**MOTION BY BRAGG, SECOND BY SPRIGGS, TO INTRODUCE ORDINANCE NO. 2017-1164 BY TITLE ONLY AND WAIVE FURTHER READING OF THE ORDINANCE AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULAR CITY COUNCIL MEETING. MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: SPRIGGS, PATTON, BRAGG, DEDINA**  
**NOES: COUNCILMEMBERS: NONE**  
**ABSENT: COUNCILMEMBERS: WEST**

#### **PUBLIC HEARINGS (4.1)**

**4.1 MIKE HESS BREWING COMPANY (APPLICANT) & GERALD FARRELLY (OWNER); REGULAR COASTAL DEVELOPMENT PERMIT (CP 170031), CONDITIONAL USE PERMIT (CUP 170032), DESIGN REVIEW CASE (DRC 170033), SITE PLAN REVIEW (SPR 170034), AND CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES 15303 (NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES) FOR A NEW EATING AND DRINKING ESTABLISHMENT AT 805 OCEAN LANE AND 23 DATE AVENUE (APN 625-330-18-00 & 625-330-19-00). MF 1247. (0600-20)**

Mayor Dedina declared the Public Hearing open.

City Planner Foltz gave a PowerPoint presentation on the item, highlighting the project included the changes submitted by the Design Review Board.

Angela Frank and Tracey Rivera submitted speaker slips in support of the project but did not wish to speak.

Gerry Farrelly, property owner, stated the developers are quality people. Mike Hess has 3 successful businesses in SD, Jerry Torres also had 3 successful business in San Diego including

IB Street Tacos. He stated due to successful businesses in the City he and his wife rarely go out of town. He stated the architect for this project won the Orchid in San Diego for the historical restoration of Liberty Station and stated this will be a great asset on Seacoast Drive.

Candy Unger, spoke on behalf of I Heart IB. She thanked Mr. Hess for wanting to invest in Imperial Beach and OCR for their design. She appreciated the suggestions of the Design Review Board (DRB) and collected data which showed there was an overwhelming support for the project. She spoke to the Port of San Diego regarding the parking issue and suggested some type of reward system for people who rode their bikes around town.

Dante Pamintuan speaking as a resident and real estate agent stated the project was a great idea, he liked the innovation, he felt the project would set a trend and it expresses the IB vibe. He supports the project fully.

JoAnn Barrows stated she was in support of the project.

In response to Councilmember Patton's question, Assistant City Manager Dush stated the structures will be constructed to meet all the California building and life safety codes. He also stated City staff has had a recent meeting with the owner of the eastern lot regarding a potential development plan, but the City will ensure that each property can be operated independently.

Christopher Bittner, Architect, stated the timeline is 1 ½ years and the containers will be built on piers anchored to a footing.

Councilmember Spriggs voiced his concerns regarding the noise level inadvertently having a negative impact on Pier South hotel guests, which over time could add to the vacancy rate and cause a loss of transit occupancy tax revenue from IB's biggest single source of TOT. Pier South is also our major catalyst for private investment on Seacoast Drive and elsewhere, and we need the hotel to remain as viable as possible. He questioned whether there had been conversations with the hotel management or ownership about this proposed project.

Assistant City Manager Dush stated if the restrictions on the hours of operation, lights and noise need to be calibrated the City can do that. If the project is approved staff will meet with hotel management in the upcoming year to address those issues.

In response to Councilmember Spriggs questions, Architect Bittner stated it's a steel structure and will be properly treated to maintain it's appearance. The project owner is aware the maintenance that needs to be done because of the marine environment. There will be no service of drinks on the north side.

In response to Councilmember Spriggs question regarding vouchers for parking, Assistant City Manager Dush stated parking will always be an issue in the City. The City has reached out to the Port about leasing the lots to provide for parking, adding more green curbs to limit parking time, encourage the use of bikes and various other options to alleviate the issue.

City Planner Foltz stated the project owner has a transportation plan in place for those he can control – the employees. As far as the City providing monetary funds for people to park elsewhere it would be very difficult to track. Councilmember Spriggs clarified he was inquiring more about customer parking. He stated thought should be given in the future before approving a conditional use permit that has 2 parking spaces for a potential 108 customers.

Councilmember Bragg clarified to the public that this project is actually a restaurant that includes a satellite bar. She expressed concern regarding someone jumping over the satellite bar and taking things.

Mr. Bittner stated the design was trying to follow suggestions from the DRB, however they are considering some sort of screening or raising the opening to increase security.

Mayor ProTem Bragg stated the comments from the DRB were excellent, and if a shower was

installed it should be the responsibility of the City as it could be an attractive nuisance. She suggested painting the curb green to ensure parking turnover. She thanked the developers for including an ADA compliant lift, suggested various lighting options for the alley area and that the fire pit should be dimmed prior to the close of business hours.

In response to Mayor ProTem Bragg's question, Mr. Bittner stated there is not a plan to include murals, as the goal of the project was for people to see people, but that can be revisited in the future.

Mayor ProTem Bragg stated she received a letter of support by Tom and Suzanne Lindley, and reiterated the idea of parking vouchers for the employees.

Mr. Bittner introduced Jerry Torres owner of IB Street Tacos who stated they plan on hiring locally from 8 to 12 employees for the Hess project both in the restaurant and the kitchen.

A representative with Mike Hess stated they hire locally so employees have the option to ride their bike or walk to work and that staff is required to be L.E.A.D. Certified in order to serve alcohol. He also stated the restaurant would be willing to issue discounts for customers who use the parking lot with a valid submitted receipt.

Councilmember Patton commented that parking vouchers for customers would be difficult to track, the fire pit at Sea 180 is open until 11, and it's not the restaurant's responsibility to install a shower. He also commented he was glad the owner planned to hire locally and expressed concern for maintaining a streamlined décor.

Councilmember Spriggs commended the project owners for hiring locally and investing in the community. He would like the owners to experiment with various hours on the fire pit as changes could be made during the 6 month review, and it might be in the project's best interest to provide a shower as a benefit for the community.

Mayor Dedina disagreed with having a shower at that location as there are already others close to the Pier. He stated the city needs to work with the Port regarding parking issues and do a better job at promoting biking as a means of transportation. He suggested installing more bike racks in the City. He stated he has seen shipping container projects in other areas and they look great. He agreed with Mayor ProTem Bragg regarding more security at the north end of the satellite bar.

Without dissension from City Council Mayor Dedina closed the Public Hearing.

**MOTION BY SPRIGGS, SECOND BY PATTON, TO ADOPT RESOLUTION NO. 2017-7841 APPROVING REGULAR COASTAL DEVELOPMENT PERMIT (CP 170031), CONDITIONAL USE PERMIT (CUP 170032), DESIGN REVIEW CASE (DRC 170033), SITE PLAN REVIEW (SPR 170034), AND CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES 15303 (NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES) FOR A NEW EATING AND DRINKING ESTABLISHMENT AT 805 OCEAN LANE AND 23 DATE AVENUE (APN 625-330-18-00 & 625-330-19-00). MF 1247. MOTION CARRIED BY THE FOLLOWING VOTE:**

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>	<b>SPRIGGS, PATTON, BRAGG, DEDINA</b>
<b>NOES:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>	<b>WEST</b>

## **REPORTS (5.1)**

### **5.1 FINAL REPORT ON PRIOR LITIGATION: CITY OF CORONADO V LAFCO AND THE CITY OF IMPERIAL BEACH. (0450-10)**

City Manager Hall reported on the item. He stated the litigation that involved the City of Coronado, Imperial Beach, the Local Agency Formation Commission (LAFCO) and the U.S Navy has been resolved. The staff report is on file with the City Clerk's department for anyone who would like to see all the history and details.

The result of the litigation was that the City of Coronado will maintain the sewer system in Coronado. When it hits the Imperial Beach city boundary, there will be a discharge agreement much like the one the City has with the City of San Diego, that the affluent will then be taken to the Point Loma treatment plant. Coronado will maintain ownership of the affluent until it reaches the City of Imperial Beach city limits and the City of Imperial Beach will work with the City of Coronado to make sure everything is implemented. The legal proceedings cost the city of Imperial Beach \$110,000 which came from the general fund. The City is happy to have reached an agreement, however it was frustrating that it cost the City money to honor an agreement that the City felt they had been in since 1967.

In response to Councilmember Spriggs' question, City Manager Hall stated there has been some discussion but there has been no agreement on negotiating reimbursement from the City of Coronado.

Mayor Dedina stated things were not going in Coronado's favor and City Manager Hall was the one who came up with a solution. The lawsuit should not have happened and City Council was very upset to see funds that should have gone to the community go to the lawyers. He commended City Manager Hall for coming up with the solution.

City Manager Hall stated the solution came from conversations he had with staff. He was thankful that not once did Council or staff ever suggest the City not honor the agreement with the Navy, and that was very honorable.

Mayor Dedina stated the Navy knew they had Imperial Beach's support and vice versa. He stated at one point Coronado wanted to run the sewer line under SR75 but he would not let that happen.

#### **I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (6)**

None.

#### **ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)**

None.

#### **ADJOURN REGULAR MEETING**

Mayor Dedina adjourned the Regular Meeting at 8:22 p.m.

#### **CLOSED SESSION MEETING CALL TO ORDER**

Mayor Dedina called the Closed Session Meeting to order at 8:23 p.m.

#### **ROLL CALL**

Councilmembers present:	Patton, Spriggs
Councilmembers absent:	West
Mayor Pro Tem Present:	Bragg
Mayor Present:	Dedina
Staff Present:	City Manager Hall, Deputy City Attorney Sjoblom

#### **CLOSED SESSION (1-3)**

- 1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**  
Initiation of litigation pursuant to Govt. Code section 54956.9(d)(4) (1 case)
- 2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
Pursuant to Government Code section 54956.9 (2 cases)  
Case No. 37-2017-00006338-CU-BC-CTL  
Case No. 37-2017-00019775-CU-WM-CTL
- 3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
Pursuant to Government Code section 54957  
Title: City Manger

Mayor Dedina adjourned the meeting to Closed Session at 8:23 p.m. and he reconvened the meeting to Open Session at 9:13 p.m.

Reporting out of Closed Session Deputy City Attorney Sjoblom stated City Council discussed Closed Session Item Nos. 1 through 3, direction was given and no reportable action was taken.

**ADJOURN CLOSED SESSION**

Mayor Dedina adjourned the Closed Session meeting at 9:14 p.m.

\_\_\_\_\_/s/  
Sunem Carballo,  
Deputy City Clerk

\_\_\_\_\_/s/  
Serge Dedina,  
Mayor